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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/034,679	BEGEJA ET AL.	
	Examiner	Art Unit	
	FARZANA E. HOSSAIN	2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 July 2008.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4,6,9-30,32-34 and 36-45 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4,6,9-30,32-34 and 36-45 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 July 2002 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Response to Amendment

1. This office action is in response to communications filed 07/17/2008. Claims 1, 9, 25, 26 and 32 are previously presented. Claims 2-4, 6, 10-20, 22-24, 27-30, 34 and 36-45 are original. Claims 5, 7, 8, 31, 35 and 46-51 are cancelled. Claims 21 and 33 are amended.

Response to Arguments

2. Applicant's arguments filed 07/17/2008 have been fully considered but they are not persuasive.

Regarding Claim 1, the applicant argues that Bergen and Menard are silent on adjacent portions are relevant to the corresponding sections and the user criterion (Page 10). The applicant argues that the adjacent segments are only chosen based on their proximity to the corresponding portions (Page 11). The applicant argues that Menard fails to show calculating video segments (Page 12). The applicant reiterates arguments for the unsupported definition of the word periodically. The applicant argues that periodically is according e.g. according to a predetermined schedule (Page 12).

In response to the arguments, the examiner respectfully disagrees. Menard discloses include the segment of the video has corresponding portions

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and portions adjacent to the corresponding portions, where the adjacent portions are relevant to the corresponding portions and the user criterion or search (Page 7, lines 16-28, Page 4, lines 9-20, Page 5, lines 5-9, Page 6, lines 5-24). The adjacent portions are relevant to the user criterion as the segments comprise the adjacent portions because of the search profile. The applicant's specification nowhere states that user criterion has to match adjacent portions as well as corresponding sections. Furthermore, Webster's II New College Dictionary defines relevant as related to the matter at hand. Therefore, the adjacent portions are relevant because the adjacent portions before and after the corresponding sections or the previous 30 seconds and following 90 seconds are connected to the corresponding sections that have matching user search profile and if the search profile did not match the corresponding section than these adjacent portions would not be relevant. Webster's II New College Dictionary defines calculate as to make suitable for a purpose. Therefore, Menard discloses the search server finds a match based on the search profile and instructs the segment to include portions before and after the occurrence which for example could be previous 30 sections and following 90 seconds.

The examiner would like to point out that the applicant's specification gives examples of what periodic basis can be such as predetermined schedule. However, the word periodically can include many definitions including the example in the applicant's remarks as occurring or appearing at regular intervals. Webster's II New College Dictionary defines periodic (periodically) as taking place now or then. Therefore, Menard's notification occurs when there is a word

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match once in a while or now and then when the word match occurs. There is no claim limitation disclose of how often the period of notification occurs. Menard discloses periodically notifying that a customized video presentation or a presentation of video customized for the user based on user search parameters is available for access from a remote location (Page 6, lines 5-24, Page 7, lines 16-27).

The examiner would also like to reiterate that in *KSR International Co. Teleflex Inc.*, 82 USPQ2d 1385 (2007), the Court found that if all the claimed elements are known in the prior art then one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yield predictable results to one of ordinary skill in the art at the time of the invention. Therefore, the combination of Bergen with Menard discloses the elements of the claimed invention.

The arguments for Claims 21 and 33 are similar as the amendments are similar. See above response.

Information Disclosure Statement

3. The information disclosure statement filed 2/17/2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed.

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It has been placed in the application file, but the information referred to therein has not been considered.

Page 1 of the IDS filed 2-17-05 has been considered. Page 2 of the IDS cites NPL documents including "Choosing Your Next Handheld", "Getting Started with VoiceXML 2.0" and "Windows Media Player 7 Multimedia File Formats web page" which have not been considered, as copies have not been provided.

Please also check website addresses for the NPL as well as dates.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 6, 16, 18-21, 24, 25, 27-29, 32, 33, 37, 39, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergen et al (US 6,956,573 and hereafter referred to as "Bergen") in view of Menard et al (WO 98/07103 and hereafter referred to as "Menard").

Regarding Claim 1, Bergen discloses a method for delivering a customized video presentation to a user (Figure 8, 870), the method comprising: searching, based on a user search criterion or keywords (Figure 8, 805, 810, Column 10, lines 37-40), video assets to identify the subset of the video assets containing portions corresponding to the user criterion or identifying segments of

the video corresponding to the user search (Figure 1, 125, Column 3, lines 54-56, Column 4, lines 12-21), calculating or determining segments of the video (Figure 1, 130, Figure 8, 850, Column 14, lines 10-17, 58-67, Column 15, lines 1-6), combining the segments within the video assets into a customized video presentation (Column 10, lines 31-53, Figure 8, 870, Column 15, lines 28-36, Column 16, lines 36-67, Column 17, lines 1-7). Bergen is silent on the segments comprising corresponding portions and portions adjacent to the corresponding portions are relevant to the corresponding portions and the user criterion; periodically notifying the user that the customized video presentation is available for access from a remote location. Menard discloses that a search engine determines a match for a segment in a video to a search initiated by a user (Figure 2, 21, Page 6, lines 5-13) and that the segment of the video has corresponding portions and portions adjacent to the corresponding portions or previous and following sections of a segment in a video, where the adjacent portions are relevant to the corresponding portions and the user criterion or search (Page 6, lines 5-24, Page 7, lines 16-28) and periodically notifying the user that the customized video presentation is available for access from a remote location (Page 6, lines 5-24, Page 7, lines 16-28). Therefore, it would have been obvious to one of ordinary skill in the art to modify Bergen to include the segment of the video has corresponding portions and portions adjacent to the corresponding portions, where the adjacent portions are relevant to the corresponding portions and the user criterion or search (Page 4, lines 9-20, Page 5, lines 5-9, Page 6, lines 5-24, Page 7, lines 16-28); and periodically notifying

the user that the customized video presentation is available for access from a remote location (Page 6, lines 5-24, Page 7, lines 16-28) as taught by Menard in order to for the viewer to receive all relevant segments applicable to the user criterion or search.

Regarding Claim 21, Bergen discloses a system of delivering customized video presentation comprising video clips or segments to a user (Figure 8, 870) comprising: a video capture device or segmentor (Figure 1, 122) operable to receive a video input or video signal (Figure 1, S1); a video database or video information database (Figure 1, 125) operable to store the plurality of video input or video signal and text associated with the video inputs (Column 7, lines 44-54, Figure 1, 125, 140), an access engine operable to search the video signal or video signals within the video information database in accordance to a user criterion and based on the text or textual search query (Column 4, lines 43-50, Column 10, lines 35-51, Figure 8, 805, Column 15, lines 1-3), to extract the video clips corresponding the text search (Figure 8, 860) and combining the clips into a customized video presentations (Figure 8, 870, Column 15, lines 28-36, Column 16, lines 36-67, Column 17, lines 1-7) to be made available for delivery to the user in whole (Figure 8, 870, Column 15, lines 28-36, Column 16, lines 36-67, Column 17, lines 1-7). Bergen is silent on the video server determining a length of each video clip by including only portions corresponding to the user criteria and surrounding portions that relate to the corresponding portions and user criterion and wherein the video server notifies the user when the customized video presentation is available for access from a remote location. Menard

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discloses a video capture card (Figure 2, 15) receiving video signals from a broadcast receiver (Figure 1, 5) which receives signals from plurality of program sources (Figure 1, 1, 2, 3), a server engine that receives the plurality of video inputs and text via a closed caption decoder (Figure 2, 12, 18), a search engine determines a match for a segment in a video to a search initiated by a user (Figure 2, 21, Page 6, lines 5-13), a video server (Figure 1, 4, Figure 2, 4) determining a length of each video clip or segment by including only portions corresponding to the user criteria (Figure 2, 21) and surrounding portions that relate to the corresponding portions and the user criterion (Page 7, lines 16-28, Page 4, lines 9-20, Page 5, lines 5-9, Page 6, lines 5-24), where the surrounding portions are previous and following sections of a scene (Page 6, lines 5-24); wherein the video server periodically notifies the user when the customized video presentation is available for access from a remote location (Page 4, lines 9-30, Page 6, lines 5-24, Page 7, lines 16-28). Therefore, it would have been obvious to one of ordinary skill in the art to modify Bergen to include a video server (Figure 1, 4, Figure 2, 4) determining a length of each video clip or segment by including only portions corresponding to the user criteria (Figure 2, 21) and surrounding portions that relate to the corresponding portions and the user criterion (Page 7, lines 16-28, Page 4, lines 9-20, Page 5, lines 5-9, Page 6, lines 5-24, where the surrounding portions are previous and following sections of a scene (Page 7, lines 16-28) and wherein the video server periodically notifies the user when the customized video presentation is available for access from a remote location (Page 4, lines 9-30, Page 5, lines 1-9, Page 6, lines 5-24, Page

7, lines 16-28) as taught by Menard in order to for the viewer to receive all relevant segments applicable to the user criterion or search.

Regarding Claim 33, Bergen discloses a system (Figure 1, 170-1) for receiving a customized video show (Figure 8, 870). Bergen discloses that a user specifies that query by inputting information for a customized video show (Column 14, lines 66-67, Column 15, lines 1-8) includes software (Column 21, lines 43-54) to be executed by the user device or a software client, which allows the user to search keywords (Figure 1, 170-1). Bergen discloses comprising an interface for interacting with the software client to input a user search criterion (Figure 1, 172, Column 4, lines 43-46), thereby providing search parameters or a text search to the access engine for searching the video information database for a first plurality of video inputs (Column 4, lines 43-50, Column 10, lines 35-51, Figure 8, 805, Column 14, lines 10-30), accessing a second plurality of video inputs combined into the customized video show (Column 10, lines 31-53, Column 15, lines 28-36, 58-67, Column 16, lines 1-6, 36-67, Column 17, lines 1-7, Figure 8, 870), and the user selects, via the software client, the video show for viewing (Column 10, lines 31-53, Column 15, lines 58-67, Column 15, lines 1-6, Figure 8, 870). Bergen is silent on remaining limitations. Menard discloses a system receiving a customized video show (Page 4, lines 9-30, Page 5, lines 1-9), the user device is personal computer (PC) which allows the user to search over the Internet, which inherently includes a software client as the user can search via inputs for a customized program from several inputs (Page 4, lines 9-30, Page 5, lines 1-9), accessing a second plurality of video inputs combined into

a customized video show (Page 7, lines 16-28, Page 4, lines 9-20, Page 5, lines 5-9, Page 6, lines 5-24), wherein second plurality of video inputs are relevant to the first plurality of video inputs and the user criterion (Page 7, lines 16-28, Page 4, lines 9-20, Page 5, lines 5-9, Page 6, lines 5-24) and the software client periodically receives notification that the customized video presentation is available for access from a remote location (Page 4, lines 9-30, Page 6, lines 5-24, Page 7, lines 16-28). Therefore, it would have been obvious to one of ordinary skill in the art to modify Bergen to include wherein second plurality of video inputs are relevant to the first plurality of video inputs and the user criterion (Page 7, lines 16-28, Page 4, lines 9-20, Page 5, lines 5-9, Page 6, lines 5-24) and the software client periodically receives notifications that the customized video presentation is available for access from a remote location (Page 4, lines 9-30, Page 6, lines 5-24, Page 7, lines 16-28) as taught by Menard in order to for the viewer to receive all relevant segments applicable to the user criterion or search.

Regarding Claim 6, Bergen and Menard disclose all the limitations of Claim 1. Bergen discloses the user criterion includes search terms or keywords input by the user (Column 10, lines 1-3).

Regarding Claim 16 and 32, Bergen and Menard disclose all the limitations of Claims 1 and 21 respectively. Menard discloses the video segment or segments are downloaded to the user's personal computer (Page 4, lines 9-12, 29-30, Page 5, lines 1-2).

Regarding Claims 18 and 29, Bergen and Menard disclose all the limitations of Claims 1 and 21 respectively. Bergen discloses the customized video presentation is delivered to the user's television via set top terminal and the customized video presentation is displayed on a television (Column 21, lines 30-33).

Regarding Claim 19, Bergen and Menard disclose all the limitations of Claim 1. Menard discloses that the searching is performed on a plurality of video assets of different program sources (Figure 1, 1, 2, 3).

Regarding Claim 20, Bergen and Menard disclose all the limitations of Claim 1. Bergen discloses the video asset is a video signal or video stream (Figure 1, S1).

Regarding Claim 24, Bergen and Menard disclose all the limitations of Claim 21. Bergen discloses a video server that is accessed a multimedia delivery client or access engine (Figure 1, 125). Menard discloses that the multimedia delivery server or the search server (Figure 2, 4) interfaces with the video server (Figure 2, 8) and a profile database or memory (Figure 2, 20).

Regarding Claim 25, Bergen and Menard disclose all the limitations of Claim 24. Menard discloses a search profile in memory (Figure 2, 20), which continually searches for segments based on searches requested by users (Page 6, lines 14-24).

Regarding Claim 27, Bergen and Menard disclose all the limitations of Claim 21. Menard disclose that the text is closed captioning text associated with the video (Page 3, lines 17-25).

Regarding Claim 28, Bergen and Menard disclose all the limitations of Claim 21. Bergen discloses that segment or the length of a segment is determined by the attributes in a particular segment such as geographic location, camera angle, particular scenes, textual descriptions, which reads on multimodal story segmentation algorithms (Column 10, lines 6-52).

Regarding Claim 37, Bergen and Menard disclose all the limitations of Claim 33. Bergen discloses the user device is a set top terminal attached to a television (Column 21, lines 30-33).

Regarding Claim 39, Bergen and Menard disclose all the limitations of Claim 33. Menard discloses that a search engine determines a match for a segment in a video to a search initiated by a user (Figure 2, 21, Page 6, lines 5-13). Menard discloses that the user uses a personal computer (PC) and is a client of the search server, who makes a connection over the Internet (Page 4, lines 9-25). It is necessarily included that a software client is interfaced on the PC to connect to the server via the Internet in order to search. Menard discloses that the customized program or segment matching the inquiry is downloaded and stored in the PC (Page 5, lines 10-12).

Regarding Claim 41, Bergen and Menard disclose all the limitations of Claim 33. Menard discloses that a search engine determines a match for a segment in a video to a search initiated by a user (Figure 2, 21, Page 6, lines 5-13). Menard discloses that search engine has user profiles with past searches being stored in the profile and the search engine searching videos for matches (Page 5, lines 5-24).

6. Claim 2-4, 10-15, 22, 26, 34, 36, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergen in view of Menard as applied to claims 1, 21 and 33 above, and further in view of Maybury et al (US 6,961,954 and hereafter referred to as "Maybury").

Regarding Claim 2, Bergen and Menard disclose all the limitations of Claim 1. Bergen discloses requesting via a keyword search or query (Figure 8, 805) to the access engine which searches the database storing the video segments of a video signal (Figure 8, 820). Bergen and Menard are silent on designating pointers that identify the beginning and end portions of the segments with the particular query. Maybury discloses providing a customized video presentation to a user (Figure 17, Figure 18), comprising identifying, in response to a request from the user, clip pointers that identify based on the text associated with video inputs (Column 16, lines 48-57, Figure 22), beginning and end portions of video clips within video inputs or videos or that each video identifies the beginning and end portions of a story segment (Column 9, lines 62-67, Column 10, lines 1-4, Column 17, lines 8-19). Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination to include clip pointers that identify based on the text associated with video inputs (Column 16, lines 48-57), beginning and end portions of video clips within video inputs or videos or that each video identifies the beginning and end portions of a story segment (Column 9, lines 62-67, Column 10, lines 1-4, Column 17, lines 8-19) as taught by Maybury in order to perform searching of video using popular browsing

tools to enable more timely and efficient communication and storage of multimedia data (Column 2, lines 42-54) as disclosed by Maybury.

Regarding Claim 3, Bergen, Menard and Maybury disclose all the limitations of Claim 2. Bergen and Menard are silent on designating pointers that identify the beginning and end portions of the segments with the particular query. Maybury discloses providing a customized video presentation to a user (Figure 17, Figure 18), comprising identifying, in response to a request from the user, clip pointers that identify based on the text associated with video inputs (Column 16, lines 48-57), beginning and end portions of video clips within video inputs or videos or that each video identifies the beginning and end portions of a story segment (Column 9, lines 62-67, Column 10, lines 1-4, Column 17, lines 8-19), making the clip pointers available to the user or making beginning pointers to the clips available to the user (Figure 20), and the user can select a video clip for viewing (Figure 17-20). Maybury discloses that each story segment has duration of the segment sent to the viewer (Figure 19). It is inherent for Maybury to include the end pointer which identifies the end of clip is made available to the user as the duration of a clip (Figure 19) and a beginning of the clip (Figure 20) is made available to the user so as to allow the user to manipulate between segments or negotiate between clips that have been found due to a text search (Figure 1, Figure 17, Figure 18).

Regarding Claims 4 and 23, Bergen, Menard and Maybury disclose all the limitations of Claims 3 and 22 respectively. Maybury discloses that a video clip

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or segment corresponding to the clip pointer is streamed to the user upon selection (Column 17, lines 16-19).

Regarding Claim 10, Bergen and Menard disclose all the limitations of Claim 1. Bergen and Menard are silent on the user having the ability to negotiate among and between segments. Maybury discloses a system that receives video segments (Figure 1, 170). Maybury discloses that the viewer has a graphical user interface providing a plurality of scenes or segments that a user can select or negotiate among and between segments (Figure 17, Figure 18, Figure 19). Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination to include a plurality of scenes or segments that a user can select or negotiate among and between segments (Figure 17, Figure 18, Figure 19) as taught by Maybury in order to perform searching of video using popular browsing tools to enable more timely and efficient communication and storage of multimedia data (Column 2, lines 42-54) as disclosed by Maybury.

Regarding Claims 11 and 26, Bergen, Menard and Maybury disclose all the limitations of Claims 10 and 21 respectively. Maybury discloses that the searching of the video based on text is text corresponding to the audio or speech in the video (Figure 1, 117).

Regarding Claim 12, Bergen, Menard and Maybury disclose all the limitations of Claim 11. Menard disclose that the text is closed captioning text associated with the video (Page 3, lines 17-25).

Regarding Claim 13, Bergen, Menard and Maybury disclose all the limitations of Claim 11. Bergen discloses that the calculating of segments of the

video is based on text (Column 4, lines 43-50, Column 10, lines 35-51, Figure 8, 805, Column 15, lines 1-3).

Regarding Claim 14, Bergen, Menard and Maybury disclose all the limitations of Claim 11. Bergen discloses that segment or the length of a segment is determined by the attributes in a particular segment such as geographic location, camera angle, particular scenes, textual descriptions, which reads on multimodal story segmentation algorithms (Column 10, lines 6-52).

Regarding Claim 15, Bergen and Menard disclose all the limitations of Claim 1. Bergen discloses that the customized video presentation (Column 10, lines 31-53, Column 15, lines 15, lines 58-67, Column 15, lines 1-6, Figure 8, 870) is delivered to the user over a network (Figure 1, 160). Bergen and Menard are silent on the streaming of the presentation. Maybury discloses a user selecting a video clip or segment and the streaming of the video to the user (Column 17, lines 16-19). Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination to include user selecting a video clip or segment and the streaming of the video to the user (Column 17, lines 16-19) as taught by Maybury in order to for the user to receive the video presentation as quickly as possible.

Regarding Claim 22, Bergen and Menard disclose all the limitations of Claim 21. Bergen and Menard are silent on designating pointers that identify the beginning and end portions of the segments with the particular query. Maybury discloses providing a customized video presentation to a user (Figure 17, Figure 18), comprising identifying, in response to a request from the user, clip pointers

that identify based on the text associated with video inputs (Column 16, lines 48-57), beginning and end portions of video clips within video inputs or videos or that each video identifies the beginning and end portions of a story segment (Column 9, lines 62-67, Column 10, lines 1-4, Column 17, lines 8-19), making the clip pointers available to the user or making beginning pointers to the clips available to the user (Figure 20), and the user can select a video clip for viewing (Figure 17-20). Maybury discloses that each story segment has duration of the segment sent to the viewer (Figure 19). It is inherent that Maybury includes the end pointer which identifies the end of clip is made available to the user as the duration of a clip (Figure 19) and a beginning of the clip (Figure 20) is made available to the user so as to allow the user to manipulate between segments or negotiate between clips that have been found due to a text search (Figure 1, Figure 17, Figure 18). Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination to include beginning and end portions of video clips within video inputs or videos or that each video identifies the beginning and end portions of a story segment (Column 9, lines 62-67, Column 10, lines 1-4, Column 17, lines 8-19), making the clip pointers available to the user or making beginning pointers to the clips available to the user (Figure 20), and the user can select a video clip for viewing (Figure 17-20) as taught by Maybury in order to perform searching of video using popular browsing tools to enable more timely and efficient communication and storage of multimedia data (Column 2, lines 42-54) as disclosed by Maybury.

Regarding Claim 34, Bergen and Menard disclose all the limitations of Claim 33. Bergen and Menard are silent on identifying portions of subtopics of the video shows and the user selecting one of the subtopics for viewing. Maybury discloses a system that receives video segments (Figure 1, 170), a software client or Broadcast News Navigator (BNN) (Figure 1, 200) installed on a device of a user (Column 16, lines 35-47, Column 5, lines 31-45), the graphical user interface interacting with the BNN for inputting the such terms (Column 16, lines 48-56, Figure 22) and the user selecting via the BNN for the video segments (Figure 17). Maybury discloses that the BNN presents identifying portions of the subtopics of the video show or clip, where the user can select one of the subtopics or searching new stories in a particular time and looking through the different occurrences and popular subtopics (Column 16, lines 48-56, Figure 18). Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination to include the BNN presents identifying portions of the subtopics of the video show or clip, where the user can select one of the subtopics or searching new stories in a particular time and looking through the different occurrences and popular subtopics (Column 16, lines 48-56, Figure 18) as taught by Maybury in order to perform searching of video using popular browsing tools to enable more timely and efficient communication and storage of multimedia data (Column 2, lines 42-54) as disclosed by Maybury.

Regarding Claim 36, Bergen and Menard disclose all the limitations of Claim 33. Menard discloses that the user is connected to the Internet to perform the search (Page 6, lines 5-13). Bergen and Menard do not explicitly disclose

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that the user interface is a web page. Maybury disclose that the user interface is a web page (Column 16, lines 36-46). Therefore, it would have been obvious to one of ordinary skill in the art to the combination to include the user interface is a web page (Column 16, lines 36-46) as taught by Maybury in order to perform searching of video using popular browsing tools to enable more timely and efficient communication and storage of multimedia data (Column 2, lines 42-54) as disclosed by Maybury.

Regarding Claim 40, Bergen and Menard disclose all the limitations of Claim 33. Bergen discloses that the customized video presentation (Column 10, lines 31-53, Column 15, lines 15, lines 58-67, Column 15, lines 1-6, Figure 8, 870) is delivered to the user over a network (Figure 1, 160). Bergen and Menard are silent on the streaming of the presentation. Maybury discloses that the user requests via a search on the BNN (Figure 16) and the customized video clip or clips are streamed to the user (Column 17, lines 16-19). Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination to include user selecting a video clip or segment and the streaming of the video to the user (Column 17, lines 16-19) as taught by Maybury in order to for the user to receive the video presentation as quickly as possible.

7. Claims 9, 30, 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergen in view of Menard as applied to claim 1, 21 and 33 above respectively, and further in view of Goodman et al (US 2002/0152477 and hereafter referred to as "Goodman").

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Regarding Claims 9 and 30, Bergen and Menard disclose all the limitations of Claims 1 and 21 respectively. Bergen discloses that the customized program is assembled or becomes available and then delivered to the user (Figure 8, 870). Bergen and Menard are silent on the predetermined program schedule. Goodman discloses a system for transmitting programs to the user (Figure 1, Figure 2). Goodman discloses programs are delivered in a carousel or cyclic manner or repeated manner or periodically or at a predetermined schedule via modules to the user (Page 1, paragraph 0009, Page 2, paragraph 0021, Page 4, paragraph 0037). Merriam-Webster's Collegiate Dictionary 10th edition defines periodic as occurring or recurring at regular intervals. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include programs are delivered in a carousel or cyclic manner periodically or at a predetermined schedule via modules to the user (Page 1, paragraph 0009, Page 2, paragraph 0021, Page 4, paragraph 0037) as taught by Goodman in order to conserve memory at the set top box (Page 1, paragraph 0008) as disclosed by Goodman.

Regarding Claim 43, Bergen and Menard disclose all the limitations of Claim 41. Bergen discloses that the customized program is delivered to the user (Figure 8, 870). Menard discloses the user requests for customized segments (Column 3, lines 15-59) and that the customized segments are delivered to the user as they become available (Column 3, lines 53-59). Bergen and Menard are silent on the periodic delivery. Goodman discloses a system for transmitting

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programs to the user (Figure 1, Figure 2). Goodman discloses programs are delivered in a carousel or cyclic manner or repeated manner or periodically via modules to the user (Page 1, paragraph 0009, Page 2, paragraph 0021, Page 4, paragraph 0037). Merriam-Webster's Collegiate Dictionary 10th edition defines periodic as occurring or recurring at regular intervals. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include programs are delivered in a carousel or cyclic manner periodically or at a predetermined schedule via modules to the user (Page 1, paragraph 0009, Page 2, paragraph 0021, Page 4, paragraph 0037) as taught by Goodman in order to conserve memory at the set top box (Page 1, paragraph 0008) as disclosed by Goodman.

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bergen in view of Menard as applied to claim 1 above respectively, and further in view of Freeman et al (US 2001/0013123 and hereafter referred to as "Freeman").

Regarding Claim 17, Bergen and Menard disclose all the limitations of Claim 1. Bergen and Menard are silent on advertisement interlaced between the segments. Freeman discloses a system that provides customized program to the user based on user preferences of user profiles (Page 3, paragraphs 0027-0030). Freeman discloses that advertisements could be interspersed between program segments of the customized program (Page 2, paragraph 0016, Page 4, paragraph 0034). Therefore, it would have been obvious to one of ordinary skill

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in the art at the time the invention was made to modify the combination to include advertisements could be interspersed between program segments of the customized program (Page 2, paragraph 0016, Page 4, paragraph 0034) as taught by Freeman in order to provide users with program in which he or she is interested (Page 1, paragraph 0008) as disclosed by Freeman.

9. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bergen in view of Menard as applied to claim 33 above, and further in view of Lawler et al (US 5,805,763 and hereafter referred to as "Lawler").

Regarding Claim 38, Bergen and Menard disclose all the limitations of Claim 33. Bergen discloses transmitting a customized program to the user (Figure 8, 870). Bergen and Menard are silent on the user archiving video clips or segments and making available the clips to others in a peer-to-peer network of which the user is a member. Lawler discloses a system that allows a user to request a program for recording (Column 13, lines 8-12). Lawler discloses that the user can tag the program for recording and archiving that program at the server so that the user and other users in the network can share the programming (Column 13, lines 26-38), which reads on the user archiving the program and making the program available to users of a peer-to-peer network of which the user is a member. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the user archiving a program at the server so that the user and other users in the network can share the programming (Column 13, lines 8-

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12, 26-38) as taught by Lawler in order to allow the user to identify programs for recording at a later time (Column 1, lines 8-13) as disclosed by Lawler.

10. Claims 42, 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergen in view of Menard as applied to claim 41 and 33 above, and further in view of Omoigui (US 2005/0076378).

Regarding Claim 42, Bergen and Menard disclose all the limitations of Claim 41. Menard discloses receiving alert signals of the availability of a program (Figure 3). Bergen and Menard are silent on the requesting of the notification of availability of a program. Omoigui discloses the user using a computer (Figure 1, 102, Figure 2, 142) to enter search and notification requests (Page 5, paragraph 0059). Omoigui discloses that the user can request a notification (Page 5, paragraph 0059). It is necessarily included that the user has a software client to request the notification as the user is using a computer to perform tasks. Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination to include that user can request a notification via a software client (Page 5, paragraph 0059) as taught by Omoigui in order to provide users with information in regard to programs including non scheduled program (Page 1, paragraph 0005) as disclosed by Omoigui.

Regarding Claim 44, Bergen and Menard disclose all the limitations of Claim 33. Menard discloses receiving alert signals of the availability of a program via email (Figure 3, Page 6, lines 5-24). Bergen and Menard are silent on the user receiving the pointers identifying a beginning and end portions of the

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segments of a customized video show. Omoigui discloses a system that allows a user (Figure 1, 102) to search for content in a database via a search server (Figure 1, 106, Figure 3, 106, 210, 214). Omoigui discloses that the user can request a notification identifying the beginning and end portions of the program (Page 4, paragraph 0044) or segment (Page 5, paragraph 0054) in regards to the search via email (Page 5, paragraph 0059). Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination to include that the user receives data identifying the beginning and end portions of the program (Page 4, paragraph 0044) or segment (Page 5, paragraph 0054) in regards to the search via email (Page 5, paragraph 0059) as taught by Omoigui in order to provide users with information in regard to programs including non scheduled program (Page 1, paragraph 0005) as disclosed by Omoigui.

11. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bergen in view of Menard and Omoigui as applied to claim 44 above, and further in view of Milewski et al (US 6,289,346 and hereafter referred to as "Milewski").

Regarding Claim 45, Bergen, Maybury and Omoigui disclose all the limitations of Claim 44. Bergen, Maybury and Omoigui are silent on the user receiving an email attachment linked to an entire customized video show. Milewski discloses a system that segments different subjects or topics of news program (Column 5, lines 64-67). Milewski discloses that a user can request for a particular program and the server obtains the URL of a stored segment of interest and transmits via email the URL linked to the segment or the user

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receives a URL linked to the segment of interest or customized program (Column 6, lines 13-22). Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination to include that the user receives a URL linked to the segment of interest or customized program (Column 6, lines 13-22) as taught by Milewski in order to bookmark programs of interest for future reference and also to search for items of interest (Column 1, lines 5-14) as disclosed by Milewski.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARZANA E. HOSSAIN whose telephone

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number is (571)272-5943. The examiner can normally be reached on Monday to Friday 7:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art
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FEH
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